

WASHINGTON STATE COURT OF APPEALS

DIVISION II

ANNA BELL

Plaintiff-Appellant,

v.

TAMARA POSTHUMA,

Defendant-Respondent

Trial Court Decision 19-2-07626-06

Court of Appeals No. 53815-6-II

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DIVISION II
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Table of Authorities

1. RCW 26.50.010 Definitions:

“(3) "Domestic violence" means: (b) [...] the infliction of fear of imminent physical harm, bodily injury or assault, sexual assault, or stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member.

(6) "Family or household members" means: (a) Adult persons related by blood or marriage; (b) adult persons who are presently residing together or who have resided together in the past [...].”

2. RCW 26.50.020 Commencement of action—Jurisdiction— Venue:

“(1)(a) Any person may seek relief under this chapter by filing a petition with a court alleging that the person has been the victim of domestic violence committed by the respondent. The person may petition for relief on behalf of himself or herself [...].”

3. RCW 26.50.030 Petition for an order for protection:

“(2) A petition for relief may be made regardless of whether or not there is a pending lawsuit, complaint, petition, or other action between the parties [...]”

4. RCW 7.70.160 Frivolous claims:

“In any action under this section [chapter], an attorney that has drafted [...] an action upon signature and filing, certifies that to the best of the party's or attorney's knowledge, information, and belief, formed after reasonable inquiry it is not frivolous, and is well-grounded in fact [...]and that it is not interposed for any improper purpose, such as to harass or to cause frivolous litigation. [...]”

5. RCW 4.84.185 Prevailing party to receive expenses for opposing frivolous action or defense:

“[...] The judge shall consider all evidence presented at the time of the motion to determine whether the position of the nonprevailing party was frivolous and advanced without reasonable cause. [...]”

6. Haines vs Kerner 404 U.S. 519, 520, 1971:

“Pro se pleadings should be held to less stringent standards than formal pleadings drafted by attorneys.”

WASHINGTON STATE COURT OF APPEALS

DIVISION II

ANNA BELL,)
Plaintiff,) No. 53815-6-II
) Response Brief
v.)
)
TAMARA POSTHUMA,)
Defendant.)

Appellant pro se Anna Bell here provides the Response Brief (CP
filed on March 6, 2020) to the Brief of Respondent.

Statement of the Case

Plaintiff Anna Bell, single mother, received death threats from the defendant Tamara Posthuma, a former sister-in-law, (CP filed on March 6, 2020). Ms. Posthuma has a criminal history which includes several police records and jail time, physical aggression against family members and against police officers over many years (Pierce Co., King Co., Clark Co. case records). Prior to this matter and appeal, Washington State recently issued protective order(s) against Ms. Posthuma. Ms. Bell believes that a death threat from such individual is a serious threat to life and constitutes a domestic violence, "the infliction of fear of imminent physical harm, bodily injury or assault, sexual assault, or stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member."

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Ms. Bell filed for a protective order pro se due to lack of \$4,000 for an attorney (minimum fee) and had a hearing at the Superior Court of Clark Co. on July 2 2019 with Com. Sheinberg.

Ms. Bell's estranged husband Michael Wade also received death threats from Ms. Posthuma (his sister). Michael Wade was the first to seek a protective order against the Ms. Posthuma. Michael Wade, 100% disabled veteran, paid \$4000 to an attorney to file for a protective order. Michael Wade attempted in good faith to add Ms. Bell his estranged wife and Joan Wade their young daughter to his protective order due to lack of additional resources. Ms. Bell here could not/cannot afford/ \$4000 for legal fees. The Court denied adding Ms. Bell or daughter Joan Wade to Michael Wade's protective order. Court denied Michael Wade alone a protection against the Ms. Posthuma on June 11 2019.

Therefore, there was no protection order was ever denied directly to Ms. Bell prior to the one here, in the matter of this appeal. The protective order in this appeal is the first one ever filed by the Ms. Bell and heard by the Court. It was denied.

Ms. Bell pro se was fined \$1500 for asking protection against a violent individual who verbally threatened to kill Ms. Bell and anyone dear to Ms. Bell (young daughter). Ms. Bell has no criminal history, hardworking (farm), has no income, single mother, home schooling the child.

ARGUMENT

1. Pretext in the Defendant's Statement of the Case in the Response Brief

Throughout this case the defendant and her counsel continuously lied to the Courts. Defendant's Response Brief contains multiple pretexts which appellant here addresses. It appears that Defendant and its counsel use the approach of 'throwing' any pretext in hopes that something 'sticks'. It's understandable that the counsel works in the interests of her client and her own financial interest, however it doesn't allow the counsel to present pretext instead of facts to the Court. While the defense counsel has a natural advantage of having a law degree and expertise against a pro se appellant, the truth should be and remain the truth. The appellant asks the Court to take into account that practically none of the defendant's statements in the Response Brief are true. The following are the repeating pretexts presented by the defendant to the Courts:

A. Defendant lied that "In November, 2017, Mr. Wade secured a Vulnerable Adult Protection Order ("VAPO") against Tamara

Posthuma in order to force her out of the family home she shared with her mother Joan in Lakewood Washington.”

In reality, the Superior Court of Clark County Court found the defendant guilty of elderly abuse on multiple counts and ordered the defendant to vacate the mother’s house she shared with her elderly mother whom she continuously abused. Defendant continuously fails to accept and recognize the Judge’s and Court’s restraining order ruling and dishonestly blames late Michael Wade (01/09/1950-07/09/2020) for the consequences of the defendant’s cruel and abusive actions against elderly mother.

B. Defendant lied that “Tamara Posthuma was unaware of her mother’s condition in November 2017, and did not contest the VAPO because she thought it was the only way she could see her mother again before her mother’s death. (CP 21-22.)”

In reality, the defendant made several calls to her mother Joan Posthuma at the Glenwood Care Home Vancouver WA against the Court Restraining Order. Defendant used proxy friends to connect to Joan Posthuma by phone and then asked Joan Posthuma for money resulting in great distress and anxiety for days to a 98 year

old Joan Posthuma because of her money demands. Glenwood Care Home had to put in additional phone screening measures to stop defendant's cruel pursuit.

C. Defendant lied that "Ms. Posthuma initially communicated directly with her brother as Trustee of the Special Needs Trust created for her benefit, but that communication ceased after she was forced to file a Petition for an Accounting under Washington's Trust and Estates Dispute Resolution Act in Pierce County Superior Court. (*See* CP 17 (details about TEDRA case filing) and CP 22 (communication stopped as of August 2018).)

In reality, the defendant failed to adhere and meet any provisions stipulated by the Posthuma Family Provisional Trust which were emphasized to her over and over by the late Trustee Michael Wade. Failing to meet any provisions/conditions of her parents in their Posthuma Family Trust which would then release Trust funds to her, the defendant resorted to a lawsuit against the Trustee Michael Wade by using lies, libel and defamation, such as suddenly accusing Michael Wade of rape and the deceased Trustors of covering up the rape (exhibits can be provided). Before

the restraining order and the Trust lawsuit the alleged 'rape victim' Ms. Posthuma expressed love and admiration to the Trustee Michael Wade for years, complained that he was not calling her often enough, invited him to visit on multiple occasions and even sent him occasional gifts to her alleged 'raper'.

D. Defendant lied that "After she sustained serious injuries in a car accident leaving a hearing in Pierce County on May 28, 2019, Ms. Posthuma was unable to travel to Clark County for the hearing on Ms. Bell's Petition. (CP 22-23.)"

In reality, the defendant was able to simultaneously smoke, text and walk without a cane right after "serious injuries" she sustained as shown by the independent private investigator's report hired by late Michael Wade during that time to demonstrate the extend of defendant's lies. Michael Wade, Anna Bell (appellant) and the whole extended family knew for years that the defendant uses a cane to fake her extensive disability to receive benefits while riding a new sport bike without any cane around her parent's property off whom she lived her whole life. Defendant even used two canes in the Pierce County Court hearings in the Trust case to

make her look very vulnerable. However the images and report obtained by the private investigator at that time show that she didn't require a single cane and hung it on her elbow when not at the Court (Appendix B).

E. Defendant lied that "This request was made "on the basis that these claims were advanced without reasonable cause and for the sole purpose of harassing and intimidating Respondent as retaliation for her assertion of her rights in a separate pending lawsuit." (CP 34.)

In reality, appellant's request for protection was filed because the defendant made death threats to the appellant Anna Bell, Michael Wade and their whole family (young daughter J.T. Wade). Since the defendant is a violent individual with a motive to possess appellant's properties via separate lawsuit and a history of assault on armed police officers, the appellant sought protection against imminent physical harm, RCW 26.50.010. Late Michael Wade, appellant's estranged husband at that time, resided separately from the appellant at that time but visited the child often. He wanted to include the appellant and their young daughter in his protective

order but was denied both the inclusion and the protection.

Appellant and her young daughter needed the protection as they lived alone but unfortunately were too denied the protection.

2. Pretext and misstatements in the Defendant's Argument in the Response Brief

A. The defendant is wrong to claim that the appeal should be dismissed based on "On appeal, the Trial Court's decision to grant or deny such an order will not be disturbed "absent a clear showing of abuse." *Hecker v. Cortinas*, 110 Wn. App. at 869 (citing *State ex rel. Carroll v. Junker*, 79 Wn.2d 12, 26, 482 P.2d 775 (1971)). In this case, there is nothing in the record that would demonstrate a clear abuse of discretion by the Trial Court."

In reality, defendant's verbal death threats constitute "(3) "Domestic violence" means: (b) [...] the infliction of fear of imminent physical harm, bodily injury or assault, sexual assault, or stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member." Appellant testified earlier under oath and continues to testify here that the

defendant threatened to kill her, Michael Wade and their whole family (young daughter) in retaliation of not getting the money she believed she deserved from the Posthuma Provisional Family Trust and regardless of her non-compliance with the provisions of the trust set by her late parents.

Appellant offered sufficient evidence to the Court by testifying under oath about the defendant's death threats. The defendant now suggests that the appellant's testimony about defendant's death threats is invalid of inadmissible, without providing any evidence to dismiss appellant's testimony. Appellant never sought a protective order before in her life until a violent individual (defendant) with a recorded history of violence, jail time and a clear motive by claiming appellant's properties via a separate legal claim.

The law states that an individual can seek protection when threatened with death threats. The defendant continues to try to undermine the importance of this law by offering multiple pretexts and claiming the physical distance would prevent the appellant from the harm by the defendant who resides in Tacoma.

The defendant had no problem traveling to Vancouver just to demand money from her elderly mother Joan Posthuma right after the mother had a gallbladder surgery at the age of 97 and was in a recovery. The defendant tried but failed to remove Joan Posthuma from the hospital and take her home on the basis that "She owes me money and I am taking her home now! She owes me thousand bucks!" This behavior towards 97 year old mother in a post-surgery recovery well describes defendant's financial greed and disregard for life.

After failing to remove Joan Posthuma from the recovery in 2017 the defendant fraudulently applied for credit cards in the name of Joan Posthuma, received the cards and spent a balance over \$2,000 (Citibank card under Joan Posthuma name). In a separate Trust law suit against the appellant and Michael Wade, the defendant and her counsel baselessly demanded not a 'thousand bucks' but around \$650,000 at which they failed. The defendant never mentioned these facts in her Response Brief.

B. The defense's argument is faulty on "(It must be remembered that a trial judge's oral decision is no more than a verbal expression of [her] informal opinion at that time. It is necessarily subject to further study and consideration, and may be altered, modified, or completely abandoned. It has no final or binding effect, unless formally incorporated into the findings, conclusions, and judgment.>"). "

The Clark's County Supreme Court Commissioner's oral decisions against a pro se appellant were also based on the elaborate pretext of a harassment conspiracy presented by the defendant's licensed attorney. Commissioner readily agreed with the defendant's attorney request to fine the appellant \$1,500 without hearing out all of the applicant's arguments and a request for protection due to death threats. The appellant hopes that the record of the hearing is available for review to the Court of Appeals. The appellant cannot afford a written transcript due to her current unemployment, recent death of a spouse, child's care, farm care and essential needs. The assignment of error needs to be considered by the Court.

C. The defendant lied in stating “Based on the circumstances surrounding Ms. Bell’s Petition, the ongoing TEDRA litigation in Pierce County Superior Court, and the repeated efforts by Ms. Bell and her husband to burden Ms. Posthuma with court proceedings in Clark County, in response to Ms. Bell’s Petition, Ms. Posthuma requested an award of attorneys’ fees and costs of \$3,500. (CP 34.) This request was made under Civil Rule 11 on the basis that Ms. Bell’s claims were advanced without reasonable cause and for the sole purpose of harassing and intimidating Ms. Posthuma. (CP 34.)”

In reality, the appellant never harassed or intimidated the defendant. In fact, the appellant traveled 5 hours a day for years from Vancouver to Tacoma and back just to clean defendant’s house from pet’s feces left all over the rooms, clean her toilets, deliver requested cigarettes and Coca-Cola and burgers to the defendant and provide groceries to her and mother Joan Posthuma before removing Joan Posthuma from that horrible abusive situation.

All claims of harassment and intimidation were made up by the defendant after she threatened the appellant and her family with

death threats. The defendant continues to present appellant's under-oath testimony of death threats by the defendant as fraudulent without any evidence. The defendant continues to ask for even more money in a form of additional attorney's fees despite the fact that every person has a right for an appeal. To this date, defendant and her attorney continue to pursue demands of material things from the appellant in the Posthuma Family Trust case after the former Trustee Michael Wade passed away in 2020. Appellant was not a part to the case, but despite of her recent loss and grief the defendant continues with the demands of some vases and a silver necklace without even providing any description of the items which clearly makes their claim difficult to satisfy (claim of February 2021). It shows that the defendant is constantly attacking the appellant even in her grief. The defendant never expressed any condolences in any way on the death of her brother Michael Wade.

D. The defendant is wrong to state that “The current appeal is an extension of the same harassing conduct that warranted imposition of CR 11 sanctions by the Trial Court, and pursuant to RAP 18.1, Respondent requests and additional award of fees incurred on appeal.”

Defendant’s counsel goes as far as calling an appeal a harassment and based on that asks for additional \$3,500. The appellant has a legal right to appeal the Trial Court decision. A legal process such an appeal should not be proclaimed and treated as harassment. The counsel states that both a request for protection order in light or death threats and an appeal should be penalized. This suggests that a request for a protective order and appeals should be financially forbidding especially to an individual who cannot afford an attorney like the pro se appellant and should make money for a defense attorney (\$5,000 in total now) who simply calls it harassment without any evidence. The appellant should not be fined for asking to protect her life when she received death threats from a violent individual (defendant) who had a motive to act on them and for appealing on the imposed penalty for asking for help.

E. Conclusions

Appellant Ms. Bell was fined \$1,500 for asking for protection against a violent individual who has a history of physical assaults and a motive to act on her death threats against Ms. Bell and her child (07/02/2019 hearing record, CP filed on March 6, 2020) as the defendant requested the other Court to transfer appellants propertie(s) to the defendant and pay her \$650,000 without any reason except for greed. Defendant failed at that demand therefore her motive remains or is possibly stronger due to her failure.

This case is about the veracity of appellant's testimony on the death threats by the defendant, her right as an individual to ask the Court for help and a penalty imposed on her by the Court for asking for help. **The defense failed to produce any real evidence to dismiss appellant's testimony on death threats by the defendant as fraudulent and to show that such threats never took or could take place.** The defense produced many baseless pretexts of a harassment conspiracy by the appellant and simply continues to ask for more money instead of operating on the facts.

Defense counsel knew or should have known that the defendant is a violent individual who physically assaulted a younger relative, police officers, an elderly mother, she's a life-long drug addict who was evicted from every rental place, a financial predator who lived her whole life off her late adoptive parents Joan and Frank Posthuma and is well capable of death threats and physical actions against others. The defense counsel knew or should've known that the defendant was never in a serious car accident as such record doesn't exist and this defendant's pretext supported by the attached evidence here (Appendix B).

Ms. Bell asks to remove the \$1,500 fine against her as unreasonable, forbidding seeking protection in a face of death threats and financially forbidding to a single mother with no income. Ms. Bell continues to ask for a protection order. Ms. Bell should not be penalized \$3,500 for pursuing an appeal allowed by law. It's not easy for the appellant to present her case as a pro se and to learn the legal proceeding. She explained her matter to the best of her abilities.

Ms. Bell asks the Court to hold her pro se pleadings to less stringent standards than formal pleadings drafted by attorneys (Haines vs Kerner 404 U.S. 519, 520, 1971). Ms. Bell resides in a rural area a way from a post office box.

APPENDIX A

Appendix A, Defendant's history of aggression

<i>Case Name</i>	<i>Case Number</i>	<i>Court/County</i>
Tamara L Posthuma	17 2 02161 3 1713901107	Superior Court of Clark County Lakewood Police, Pierce
Tamara L Posthuma	10L000077	Lakewood Municipal
Tamara L Posthuma	I05023043	King County District

APPENDIX B

A report by a private investigator and related pictures

Respectfully submitted,

March 2 2021

Signature

A handwritten signature in cursive script, appearing to read "Anna Bell". The signature is written in black ink and is positioned to the right of the "Signature" label.

Pro se Plaintiff Anna Bell

PO Box 994

La Center WA 98629

Ph: 971-322-7290

CERTIFICATE OF SERVICE

I hereby certify that on the date stated below, I served the
following documents:

1. Response Brief

__ by e-mailing __x__ mailing to the following parties

LAW OFFICES
GORDON THOMAS HONEYWELL LLP
1201 PACIFIC AVENUE, SUITE 2100
TACOMA, WASHINGTON 98402
(253) 620-6500 - FACSIMILE (253) 620-6565

Dated this March 2 2021

A handwritten signature in black ink, appearing to read "Anna Bell", with a stylized flourish at the end.

Anna Bell



Short Format Report of Investigator(s)

Lead Investigator: Guy Gildner (#3582)

On June 1, 2019 I, Licensed Principle Private Investigator Guy Gildner, The Steel Horse Group LLC was retained by CLIENT's Michael Wade and Anna Bell to conduct physical surveillance on SUBJECT Tamara L Posthuma, DOB 4/23/1962, a Native American female residing at Room 160 Motel 6 1811 S 76th Street Tacoma, WA 98408.

Per the CLIENT, Posthuma was making exaggerated claims as to her physical abilities in walking, telling the court that she needed two canes to walk.

At approx 1815 hrs I arrived at the Motel 6, confirmed the SUBJECTS room 160 location and staged my surveillance across the street a half block west in a closed business parking lot. I drove through the Motel 6 parking lot a few times checking out the area and looking for the SUBJECTS car to no availability then returning to my surveillance location.

At approx 2130 I witnessed the SUBJECT come out of her room 160, walk at a slow steady pace with a single cane to the office at the corner of her building (maybe 15 yards away) said something to the office attendant in the open door and then walked back to her room door and stood with her single cane on her right arm and smoking a cigarette while looking at her cell phone texting with her left hand.

After approx 5 min I drove over to her parking lot, pulled right up in front of her (maybe 10 feet away) verified it was her from her DOL photo supplied by the CLIENT, I then took a quick picture of her with my cell phone acting like I was talking on it, she looked up at my direction and I asked her what this address was. She stated she didn't know but the security guard would as she motioned to her right with her right hand and cane still on her right arm. The security guard came up to my vehicle from near the office, gave me the address and I said I must be at the wrong Motel 6 and left the area only to drive around the block and return to my location of surveillance.

After approx 5 more minutes she walked into her room, closed the door and I terminated surveillance approx 2200 hrs.

*** The following is the second Private Investigators (Roy Hance) observations from his surveillance conducted 3 nights on Posthuma.

Investigator: Roy Hance (#2428)

Date of report: June 8, 2019

Summary of investigation

Investigator was retained by The Steel Horse Group Investigations to conduct covert surveillance on the subject (Posthuma) who is suspected of exaggerating her injury claims. The subject is staying in room 160 at Motel 6 located at 1811 S 76th ST Tacoma WA 98408

Report of Investigation:

June 3, 2019

3:00-PM The subject came out of her room and stood next to the Motel 6 room door. At that time the subject started texting on her phone while also smoking a cigarette. Investigator also noticed the subject had a cane hooked on to something on her clothing under her coat. Investigator also noticed the subject has some kind of bandage on her left hand and a brace on her left leg.

3:04- PM while the subject was still standing outside of her hotel room smoking and texting a Motel 6 maid walked up to her and started talking to her.

3:05-PM the maid entered the subject's room to remove old towels and remove the garbage. At that time the subject put out her cigarette and walked inside her room. See Video

5:48-PM The subject came out of her room and stood next to the door where she stood smoking a cigarette and texting. The subject also had a cane hanging from her right arm the entire time she was standing out there. The subject did not use the cane at any time until she walked back inside.

5:53-PM The subject walked back inside of her room. See video

June 4, 2019

2:03-PM The subject came out of her motel room and started smoking and talking on her cell phone. This was the first time the investigator has seen the subject since the day before. The investigator also noticed that the subject had her cane hanging from her right arm while smoking and talking on her cell phone.

2:08-PM The subject is now texting on her phone when another female walks up to her and starts talking to her. At that time the subject moves the cane from her right arm and holds on to it in her left hand.

2:11-PM The female the subject was talking to leaves. At that time the subject walks back into her room. See video

2:45-PM The investigator just noticed that the subject had come back outside. The investigator was only able to video the subject putting out her cigarette and then walking back inside of her room. The Investigator also noticed that the subject did not appear to be using her cane when walking back inside. The subject appeared to be just holding her cane in her right hand. See video

5:39-PM The subject came out of her room and started smoking and texting on her phone. The Investigator also noticed that the subject had her cane hanging on her right arm and not using it for balance. The subject does not appear to have any difficulty standing in place for long periods of time while texting or smoking.

8:44-PM The subject came outside of her room to smoke and is seen texting. The subject also has her cane hanging on her left arm. The subject is not using the cane for balance while standing there smoking and texting. See video

June 5, 2019

10:06-AM the subject is outside of her room smoking a cigarette and texting on her phone. The subject has her cane hanging from her left arm. See video

11:50-AM the subject has come out of her room and is smoking and texting. The subject has her cane hanging from her left arm.

11:54-PM the subject walked back into her room.

1:39-PM the subject put a note on her door to notify the maids that she did not want service. This was the last time the Investigator had seen the subject while conducting surveillance.

June 6, 2019 8:00-AM Surveillance terminated.



Blowing smoke & using phone
June 3-6 2019







Typing on cell phone



Smoking & using phone June 3-6 2019



160

Smoking & using phone June 3-6 2019

160



Typing on phone June 3-6 2019



Typing on cell phone June 3 6 2019